

AN ORDINANCE
BY



AN ORDINANCE TO RATIFY AND AUTHORIZE THE EXECUTION OF RENEWAL AGREEMENT NO. 1 AND RENEWAL AGREEMENT NO. 2, WITH CORRECTED EFFECTIVE DATES, FOR FC-6004007697, ANNUAL CONTRACT FOR TESTING AND ANALYSIS OF LARGE WATER METERS, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, WITH WATER MANAGEMENT SYSTEMS, INC; TO AUTHORIZE THE EXECUTION OF RESTATED AND AMENDED RENEWAL NO. 1 AND RENEWAL AGREEMENT NO. 2 WITH CORRECT EFFECTIVE DATES; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an agreement with Water Management Services, Inc. ("WMS") for FC-6004007697, Annual Contract for Testing and Analysis of Large Water Meters on October 7, 2004, pursuant to Resolution No. 04-R-1397, which included a base term of one (1) year with two (2) one year renewal options at the sole discretion of the City; and

WHEREAS, the base term of the agreement was set to expire on October 6, 2005, and the Chief Procurement Officer issued a 90-day extension which expired on January 4, 2006; and

WHEREAS, Renewal Agreement No. 1 was authorized by Resolution 06-R-0163, effective January 24, 2006, which was after the expiration of the 90-day extension in violation of the competitive procurement provisions of Article X of the City's Procurement and Real Estate Code; and

WHEREAS, the intent of the City, as expressed by Resolution No. 06-R-0163, was to authorize Renewal Agreement No. 1 effective January 3, 2006 to avoid the creation of contract gaps or gaps in services; and the ratification and authorization of Renewal Agreement No. 1 with an effective date of January 3, 2006 through this ordinance cures the timing defect of Resolution No. 06-R-0163 and perfects the City's intent to authorize Renewal Agreement No. 1; and

WHEREAS, Renewal Agreement No. 2 was authorized pursuant to Resolution No. 06-R-2685, effective January 9, 2007, which was after the correct date of expiration of Renewal Agreement No. 1, in violation of the competitive procurement provisions of Article X of the City of Atlanta's Procurement and Real Estate Code; and

WHEREAS, the intent of the City, as expressed by Resolution No. 06-R-2685, was to authorize Renewal Agreement No.2 with an effective date of January 3, 2007 to avoid the creation of any contract gaps or gaps in services; and the ratification and authorization Renewal Agreement No. 2 with an effective date of January 3, 2007 through this

ordinance cures the timing defect of Resolution No. 06-R-2685 and perfects the City's intent to authorize Renewal Agreement No. 2;

WHEREAS, the waiver of Article X of the City of Atlanta's Procurement and Real Estate Code is necessary to correct the timing defects of the above described resolutions to the extent that the above described resolutions were effective after the expiration the prior agreements; and

WHEREAS, the Chief Procurement Officer and the Commissioner of Department of Watershed Management recommend this ordinance to cure the above described timing defects of Renewal Agreement No. 1 and Renewal Agreement No. 2 and the corresponding authorizing resolutions.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That Renewal Agreement No. 1 is hereby ratified and authorized to include an effective date of January 3, 2006; that the Mayor is authorized to execute an amended an restated Renewal Agreement No. 1 with a corrected effective date of January 3, 2006; and that Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that Article X applies to the authorization and ratification of Renewal Agreement No. 1.

SECTION 2: That Renewal Agreement No. 2 is hereby ratified and authorized to include an effective date of January 3, 2007; that the Mayor is authorized to execute Renewal Agreement No. 2 with an effective date of January 3, 2007; and that Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that Article X applies to the authorization and ratification of Renewal Agreement No. 2.

SECTION 3: That all ordinances in conflict with this ordinance are waived for this instance only.

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO RENEWAL AGREEMENT NO. 2 WITH WATER MANAGEMENT SERVICES, INC. FOR FC-6004007697, ANNUAL CONTRACT FOR TESTING AND ANALYSIS OF LARGE WATER METERS, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, WITH NO ADDITIONAL FUNDING REQUIRED; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an agreement with Water Management Services, Inc. ("WMS") for FC-6004007697, Annual Contract for Testing and Analysis of Large Water Meters, pursuant to Resolution 04-R-1397; and

WHEREAS, the base term of the agreement was for one (1) year with two (2) one (1) year renewal options at the City's sole discretion; and

WHEREAS, the Chief Procurement Officer issued a 90-day extension which expired on January 6, 2006; and

WHEREAS, Renewal Agreement No. 1 was executed pursuant to Resolution 06-R-0163 which expires on January 6, 2007; and

WHEREAS, WMS has provided the contracted services satisfactorily; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend the execution of Renewal Agreement No. 2 with WMS for FC-6004007697.

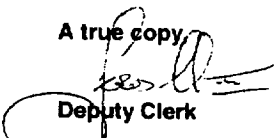
THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute Renewal Agreement No. 2 ("Agreement") with Water Management Services, Inc. ("WMS") for FC-6004007697, Annual Contract for Testing and Analysis of Large Water Meters, with no additional funding required.

BE IT FURTHER RESOLVED, that the term of the Agreement will be for one (1) year.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to prepare an appropriate Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to WMS.

A true copy


Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

JAN 02, 2007
JAN 09, 2007

CITY COUNCIL
ATLANTA, GEORGIA

AN AMENDED RESOLUTION BY

06-R-0163

CITY UTILITIES COMMITTEE

AN AMENDED RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT NUMBER ONE (1) WITH WATER MANAGEMENT SERVICES, INC. (WMS) FOR FC-7697-04, ANNUAL CONTRACT FOR TESTING AND ANALYSIS OF LARGE WATER METERS ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000.00). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER: 2J27 (2001 WATER & WASTEWATER BOND FUND) 574001 (FACILITIES, OTHER THAN BUILDINGS) Q65J08039999 (WATER MAINS, VARIOUS LOCATIONS).

WHEREAS, the City of Atlanta (the "City") did enter into an Agreement with Water Management Services (WMS) for FC-7697-04, Testing and Analysis of Large Water Meters on behalf of the Department of Watershed Management in an amount not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000.00); and

WHEREAS, said Agreement did contain a one (1) year base term, with two (2) one (1) year renewal options; and

WHEREAS, this Renewal Agreement Number One (1) will use one of the one (1) renewal options to extend the current expiration date to October 6, 2006; and

WHEREAS, the Contractor has performed the contracted services satisfactorily; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend Renewal Agreement Number One (1) with Water Management Services (WMS) for FC-7697-04, Testing and Analysis of Large Water Meters in an amount not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000.00).

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or designee be and is hereby authorized to enter into Renewal Agreement Number One (1) with Water Management Services (WMS) for FC-7697-04, Testing and Analysis of Large Water Meters in an amount not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000.00) as negotiated by the City of Atlanta and agreed to by the contracting party.

BE IT FURTHER RESOLVED, that said Renewal Agreement Number One (1) be awarded for a period of one (1) year.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is hereby directed to prepare an appropriate Renewal Agreement Number One for execution by the Mayor to be approved by the City Attorney as to form.



BE IT FURTHER RESOLVED, that this Renewal Agreement Number One (1) shall not become binding on the City, and the City shall incur no liability upon same until such contract has been executed by the Mayor and delivered to the contracting party.

BE IT FINALLY RESOLVED, that all services for said contracted work shall be charged to and paid from fund account and center number: 2J27 (2001 WATER & WASTEWATER BOND FUND) 574001 (FACILITIES, OTHER THAN BUILDING) Q65J08039999 (WATER MAINS, VARIOUS LOCATIONS).

A true copy,

Phanda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

Jan 17, 2006
Jan 24, 2006